

LNE 3.8.24
PR: USAO 2023R00748

USDC- BALTIMORE
24 MAR 19 AM 11:38

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

DAVID FUNDERBURK,
Defendant.

CRIMINAL NO. RDB-24-093

*
* (Possession of a Firearm and
* Ammunition by a Prohibited Person,
* 18 U.S.C. § 922(g)(1); Forfeiture, 18
* U.S.C. § 924(d), 21 U.S.C. § 853(p), 28
* U.S.C. § 2461(c)
*

INDICTMENT

COUNT ONE

(Possession of a Firearm and Ammunition by a Prohibited Person)

The Grand Jury for the District of Maryland charges that:

On or about November 3, 2023, in the District of Maryland, the Defendant,

DAVID FUNDERBURK,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, to wit, a FN Five-seveN 5.7x28 caliber handgun, bearing serial number 386395776 and 18 rounds of assorted ammunition, and the firearm and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)

FORFEITURE

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. P. 32.2, notice is hereby given to the Defendant that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 924(d), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c), in the event of the Defendant's conviction under the offense charged in Count One of this Indictment.

Firearms and Ammunition Forfeiture

3. Upon conviction of the offense alleged in Count One, the Defendant,

DAVID FUNDERBURK,

shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in such offense, including but not limited to:

- a. a FN Five-seveN 5.7x28 caliber handgun, bearing serial number 386395776;
and
- b. approximately 18 rounds of 5.57x28 caliber ammunition.

Substitute Assets

5. If, as a result of any act or omission of the defendant, any of the property described above as being subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property up to the value of the forfeitable property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

18 U.S.C. § 924(d)
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)

Erek Barron /PR
Erek L. Barron
United States Attorney

SIGNATURE REDACTED

Foreperson _____

3/19/24

Date